REMARKS

In the final Office Action of June 15, 2006, the Examiner has withdrawn all objections, which comprised the drawing, specification, and claim objections including the 35 USC 112 rejections in response to Applicant's arguments and amendments.

In the same final Office Action, the Examiner rejected claims 1-35. Applicant traverses the rejection and respectfully requests reconsideration.

Rejection under 35 U.S.C. § 103(a)

On page 2 of the Office Action, the Examiner rejected Claims 1-3, 5-17, 19-23, 25, 26, and 28-35 under 35 U.S.C. § 103(a) as being unpatentable over Gould (US 6,219,052) in view of Duquette (US 2005/0228735). On page 9 of the Office Action, the Examiner rejected dependent Claims 4, 18, and 27 under 35 U.S.C. § 103(a) as being unpatentable over Gould in view of Duquette and Tufte ("The Visual Display of Quantitative Information"). On page 10 of the Office Action, the Examiner rejected dependent Claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Gould in view of Duquette and Rao (US 6,085,202).

With respect to Applicant's independent Claim 1, the Gould/Duquette combination does not teach the presently claimed invention, as a whole, for at least the following reasons.

Gould does not teach, at a minimum, the limitation of Claim 1 that calls for "wherein upon receiving a new data in the data series, displaying the new data in the first axis region having a first linear scale and shifting data previously displayed in the first axis region to the second axis region for display along a second linear scale." Indeed, the Examiner admits that Gould does not teach this limitation. Page 3 of the Office Action. The Examiner cannot find this limitation in Duquette either. Instead, the Examiner makes the rejection by stating that a modification of Gould would have been obvious because "One would be motivated to run real-time data and update the graph when new data is available because this provides up-to-date information of important data, such as trade information." Page 4 of the Office Action.

8

Applicant respectfully disagrees with the Examiner, at least, for several reasons provided below. First, such a modification would render the Gould reference unsatisfactory for its intended purpose – which it cannot. MPEP 2143.01 V. Second, such a modification would change the principle of operation of Gould – which it cannot. MPEP 2143.01 VI. Third, the Examiner's proposed motivation would not be enough to lead one of ordinary skill in the art to make the proposed modification; rather, based on that reasoning, one of ordinary skill would simply use a conventional chart, like the charts shown in Duquette to achieve what the Examiner suggests: "…run real-time data and update the graph when new data is available…."

Gould states that "An object of the invention is a computer system providing improved means to allow users to *extract important segments* of computer-displayed information in the form of video, sound, graphics or text while maintaining a general view of the information." [Emphasis added.] Col. 1, lines 63-67. Also, Gould states that "In accordance with a further aspect of the present invention, a computerized system provides the user with means to shrink less important or less significant portions of the information displayed, with the result of magnifying the portions that the user deems significant." Col. 2, lines 13-17. However, the Examiner's proposed modification calling for "…shifting old data from one region to another,…" in Gould would result in mixing meaningful information (referred to in Gould as "marked") with less meaningful information (referred to in Gould as "unmarked" or "non-marked"). Thus, as new data is received, information once categorized as meaningful would be displayed as "non-marked," and information once considered less meaningful would be displayed as "marked," which would frustrate the purpose of Gould. Looking to Fig. 8 in Gould (which is an example the Examiner used in making the rejection) and modifying it according to the Examiner's proposal would result in shifting information from the unmarked segment 52 to the marked segment 51, and vice-versa, as new data comes in. However, mixing segments in this manner would render the Gould reference unsatisfactory for its intended purpose.

Additionally, the Examiner's proposed modification will change the principle of operation of Gould. Gould operates by sorting data into segments so that the user can

"extract important segments of computer-displayed information in the form of video, sound, graphics...." Specifically, Gould operates in a manner such that marked segments are highlighted or magnified, while unmarked segments are shrunk or compressed. Oftentimes, the computer of Gould recognizes meaningful objects and marks them. Col. 4, lines 40-52. For instance, Fig. 7 in Gould shows a scroll bar that indicates "non-marked and marked segments." Fig. 8 shows yet another view of a screen window with a scroll bar and an audio representation with marked and unmarked segments. However, the Examiner's proposed modification would alter this principle of operation of Gould by shifting data from less significant segments to those that are significant, and vice-versa. Mixing segments defeats the operation of marking them. Also, with this modification, it no longer makes sense to play through the marked segments at normal speed and the unmarked segments at twice the normal speed when the information in the segments (marked and unmarked) are mixed.

Furthermore, a "major benefit" of Gould "is to allow users to quickly navigate through a large information space and *to control* the salience of the displayed information...." [Emphasis added]. Col. 2, lines 44-47. However, under the Examiner's proposal, Gould would have to be modified to shift data from a marked segment to an unmarked segment as new data in the data series is received. Thus, the proposed modification would actually remove control from the user, because the data would shift from one segment to another as new data in the data series is received and not under the control of the user in a manner called for by Gould. Thus, for at least this additional reason, the proposed modification would change not only the principle operation of Gould, but would also render Gould unsatisfactory for its intended purpose.

Finally, according to the Examiner the proposed modification is obvious, because "One would be motivated to run real-time data and update the graph when new data is available because this provides up-to-date information of important data, such as trade information." Page 4 of the Office Action. Applicants respectfully disagree that this motivation would be enough to make the proposed modification, especially a modification that changes the principle of operation and renders the reference unsatisfactory for its intended purpose. Rather, Applicants believe that under this

rationale, one of ordinary skill would simply practice the prior art – like Duquette, for instance. However, this rationale would not cause one of ordinary skill to innovate and thus arrive at Applicants' presently claimed invention without hindsight.

Claims 2-16 are dependent claims that depend from independent Claim 1. Claims 2-16 are patentable because of all of the reasons showing the non-obviousness of independent Claim 1 apply to Claims 2-16. Furthermore, Claims 2-16 are separately patentable and do not stand or fall with Claim 1. In other words, each dependent claim adds one or more limitations to the independent claim from which it depends and that when taken as a whole, each claim is patentable over the cited art.

Independent Claim 17 mirrors the limitations of Claim 1, but comprises time axis regions and displays a time data series. Nonetheless, Claim 17 is patentable for at least the reasons provided above with respect to Claim 1. Claims 18-24 are dependent claims that depend from independent Claim 17. Claims 18-24 are patentable because of all of the reasons showing the non-obviousness of independent Claim 17 apply to Claims 18-24. Furthermore, Claims 18-24 are separately patentable and do not stand or fall with Claim 17.

Claims 25 and 26 mirror the limitations of Claim 17 and are patentable for at least the reasons provided above with respect to Claim 1. Claims 27-35 are dependent claims that ultimately depend from independent Claim 25. Claims 27-35 are patentable because of all of the reasons showing the non-obviousness of independent Claim 25 apply to Claims 26-35. Furthermore, Claims 27-35 are separately patentable and do not stand or fall with Claim 25.

Conclusion

In light of the foregoing remarks, Applicant respectfully submits a prima facie case of obviousness has not been made. The Gould and Duquette references, at the very least, do not teach all of the independent claim limitations, and there is no teaching, suggestion, or motivation to make the proposed combination and modification. Furthermore, as pointed out above, modifying the Gould reference in a way suggested by the Examiner would result in rendering the Gould reference unsatisfactory for its

intended purpose and it would change the principle of operation of Gould – both of which it cannot. The dependent claims are allowable for at least the reasons that the independent claims are allowable. Accordingly, Applicant submits that each of these claims is in condition for allowance, and Applicant respectfully requests reconsideration. If the Examiner believes that further dialog would expedite consideration of the application, he is invited to contact the Applicant's Patent Counsel, Mark W. Triplett at (312) 476-1151 or the undersigned attorney/agent.

Respectfully submitted,

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